

UNITED STATES DISTRICT COURT

Southern DISTRICT OF TEXAS

Corpus Christi DIVISION

Clerk, U.S. District Court
Southern District of Texas
FILED

AUG 22 2016

Patrick DIXON

vs Petitioner

Civil Action NO 2:16-CV 246

David J. Bradley, Clerk of Court

(Consolidated w/ 2:16 CV 247)

Lorie DAVIS

Respondent

Motion For DEFAULT Judgment

Petitioner Patrick DIXON Moves the Court to Enter a default Judgment against Respondent LORIE DAVIS for and States:

A Default has been entered against Respondent LORIE DAVIS for failure to ANSWER Otherwise defend in the above-entitled matter Rule 5 (A) (B) (C) (D) in the federal Criminal Code and Rules. Rule 5 states "The Answer And Reply" When Required The Respondent is not required to Answer the Petitioner Unless a Judge so orders. ON the 5th day of July, 2016 United States Magistrate Judge B. Janice Ellington Ordered Respondent Lorie DAVIS to file an Answer to Civil Action NO 2:16-CV-246 (Consolidated w/ 2:16 CV 247) and any dispositive motions, including a motion for summary Judgment Under rule 56 of the federal rules of Civil Procedure, Within forty-five (45) day of the receipt of the petition. See Wadsworth v Johnson 235 F3d 959 (5th Cir 2000) Default Judgment is when a party against Whom a Judgment for-Affirmative relief is Sought has failed to plead or otherwise the Clerk must enter the party's Default. See 702 SW2d 209, 713 SW2d 96, 2015 Lexis 12282 Tex App, and 712 SW2d 878. Default Judgments are designed to promote Efficiency in disposing of Cases Where the Respondent shows no interest in the adjudication of the Cause, either by failing to answer a Criminal Case or lawsuit or appear →

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for trial on the merits in the Cause. LORIE DAVIS Has failed to answer any merits pertaining; Writ of Habeas Corpus 28 U.S.C. § 2254 Civil Action NO 2:16-CV-246 (Consolidated W/ 2:16 CV 247). It makes sense that to grant Petitioner Patrick DIXON a default judgment against Respondent LORIE DAVIS where the petitioner Patrick DIXON has attempted to Acknowledge or dispute a pending Criminal Case inconsistent with the judicial goals justifies Texas Court's interpreting and kind of Written response in such way to Elevate it to the level of an answer. SEE Eg RTA INT'l, 915 SW2d at 151 (Holding that Answer's failure to comply with formalities dictated by rules of procedure rendered document defective but not void, to sustain default judgment).

I, Patrick DIXON #1954209 being Presently incarcerated at the Wayne Scott Unit, Brazoria County, Texas declare under the penalty of perjury that to the best of my knowledge and beliefs the facts within this affidavit are true and correct.

Executed on the 19th day of August 2016
Under Both federal law (28 U.S.C. § 1746)
and State (V.A.C. Civil Procedure & Remedies
Code, (132.001-132.003).

Respectfully Submitted
Patrick Dixon #1954209
Patrick DIXON #1954209
6999 Retrieve Rd
Angleton, TX 77515
Wayne Scott Unit